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Attorneys for Defendant  
 Action Metal Recycling, Inc.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Communities for a Better Environment, a California non-profit corporation,	)	CASE NO: C07-02768 JCS
Plaintiff,	)	STIPULATION AND ORDER
v.	)	DISMISSING COMPLAINT
Action Metal Recycling, Inc., a California corporation,	)	Magistrate Judge: Joseph C. Spero
Defendant.	)	

Plaintiff Communities for a Better Environment and Defendant Action Metal Recycling, Inc. by and through their undersigned counsel, stipulate and agree that pursuant to the terms of the Consent Agreement between them and Fed. R. Civ. P. 41(a)(2), the Complaint in this action shall be dismissed with prejudice, with this Court, the Hon. Joseph C. Spero presiding, to retain jurisdiction over the parties for

1 the purpose of enforcing the terms of the Consent Agreement.

2 IT IS SO STIPULATED.

3  
4 DATED: June 10, 2008

**COMMUNITIES FOR A BETTER  
ENVIRONMENT**

6 s/Shana Lazerow<sup>1</sup>  
7 Counsel for Plaintiff  
8 E-mail: slazerow@cbeal.org

9 DATED: June 10, 2008

**TRUTANICH • MICHEL, LLP**

11 s/W.Lee Smith  
12 Counsel for Defendant  
13 E-mail: lsmith@tmlp.com

14 **ORDER**

15 The Court having reviewed and approved the Consent Agreement between the  
16 parties, and having received the parties' stipulation and for good cause shown,

17 **IT IS HEREBY ORDERED** that the Complaint in this action is dismissed  
18 with prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

19 **IT IS FURTHER ORDERED** that this Court shall and hereby does retain  
20 jurisdiction over the parties for the purpose of enforcing the terms of the Consent  
21 Agreement.

22 **IT IS SO ORDERED.**

23 Dated: \_\_\_\_\_

24 Hon. Joseph C. Spero  
25 Magistrate Judge  
26 United States District Court

27 <sup>1</sup>As the filing attorney, I certify that counsel for Action Metal has authorized me to file  
28 this document with his signature. Pursuant to General Order 45 IX, this action being designated  
for electronic filing, the above document is deemed served on Defendant upon filing via the  
ECF.

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